

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GOVERNOR ANDREW M. CUOMO,

Movant,

v.

OFFICE OF THE NEW YORK STATE
ATTORNEY GENERAL,

Respondent.

TROOPER 1,

Plaintiff,

v.

NEW YORK STATE POLICE, ANDREW
CUOMO, MELISSA DEROSA, and
RICHARD AZZOPARDI,

Defendants.

Case No. 22-MC-3044 (LDH) (TAM)

Pending In: Civil Action No. 22-cv-00893
(LDH) (TAM), United States District Court
for the Eastern District of New York

**DECLARATION OF RITA M. GLAVIN IN FURTHER SUPPORT OF
FORMER GOVERNOR ANDREW M. CUOMO'S MOTION TO COMPEL
THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL'S
COMPLIANCE WITH SUBPOENA**

I, RITA M. GLAVIN, an attorney admitted to practice before this Court, hereby declare
pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner at the law firm Glavin PLLC, counsel to Governor Cuomo in the
Trooper 1 Action.¹

¹ All terms defined previously in Governor Cuomo's opening memorandum of law (ECF No. 2) are used consistently herein.

2. I submit this declaration in opposition to the Office of the New York State Attorney General's motion to quash the Subpoena and in further support of Governor Cuomo's Motion to Compel. I have knowledge of the issues described herein.

The Meet and Confer Process with the OAG

3. Prior to filing the Motion to Compel, I and other counsel for Governor Cuomo met and conferred twice with the OAG regarding the Subpoena.

4. First, on August 4, 2022, we met and conferred with the OAG regarding the OAG's initial responses and objections to the Subpoena. During that meet and confer, the OAG represented that it would identify documents that the OAG was prepared to provide subject to a protective order. Among other things, the OAG indicated that it "anticipate[d] providing materials" that were not yet in Governor Cuomo's possession (*i.e.*, documents that the OAG had not yet released publicly). The OAG suggested that this could be taken as a sign of good faith to show that the OAG intended to comply with the Subpoena.

5. Second, on August 15, 2022, we met and conferred with the OAG again regarding the Subpoena. During that meet and confer, the OAG again represented it could work with Governor Cuomo on the Subpoena and collect documents "relevant" to Trooper 1. During that meet and confer, however, it also became clear that the parties would not reach agreement concerning the scope of the Subpoena and that the Court would need to resolve the OAG's objections. The OAG agreed to discuss a briefing schedule and indicated that it would likely move to quash in response to any motion to compel made by Governor Cuomo. The OAG also represented that it would consider agreeing to the transfer of any miscellaneous action triggered by the discovery dispute to the Eastern District of New York.

The Albany County District Attorney's Office Disclosures

6. On October 28, 2021, the Albany County Sheriff's Office filed a misdemeanor forcible groping charge against Governor Cuomo.

7. After that charge was filed, the Albany District Attorney's Office (the "ACDAO") began to provide discovery to Governor Cuomo's counsel. That discovery included records provided to the ACDAO by the OAG from its Investigation. Among the records provided by the OAG to the ACDAO for production to Governor Cuomo were approximately 28 witness interview memoranda from the OAG Investigation.

8. There was no protective order entered in the Albany County action.

9. The misdemeanor charge against Governor Cuomo was dismissed on January 7, 2022.

The Article 78 Proceeding

10. An Article 78 proceeding is currently pending in New York State court regarding the OAG's determination that Governor Cuomo would not be entitled to a state-funded defense in the Trooper 1 Action.

11. In responding to Governor Cuomo's petition, the OAG filed an affirmation of Deputy Attorney General Christine Ryan, in which Ms. Ryan represented, among other things, that she relied upon the OAG Report in making the determination regarding Governor Cuomo's right to a state-funded defense under Public Officers Law §17. That affirmation is attached as

Exhibit 1.

Dated: New York, New York
November 22, 2022

/s/ *Rita M. Glavin*
Rita M. Glavin